



TREVOR W. SANTOS

Director, Government Relations - State Affairs

tsantos@nssf.org | 202-220-1340 x205 | nssf.org

February 7, 2022

The Honorable Luke Clippinger
Chair, House Judiciary Committee
Room 101
House Office Building
Annapolis, Maryland 21401

**HOUSE BILL 425
OPPOSE**

Re: House Bill 425 - Public Safety - Untraceable Firearms

Dear Chair Clippinger, Vice Chair Moon, and Members of the Committee:

On behalf of the National Shooting Sports Foundation (“NSSF”), the trade association for America’s firearm, ammunition, hunting and shooting sports industry, and our over 9,000 members, we strongly oppose House Bill 425 (“HB 425”), legislation that would redefine “firearm” to include “unfinished frames and receivers.”

With a membership comprised of thousands of manufacturers, distributors, retailers, shooting ranges, sportsmen’s organizations, and publishers across the country, the NSSF advocates on behalf of the Industry and its related businesses (the “Industry”) while also working to prevent illegal or unauthorized access of firearms, encouraging the enjoyment of recreational shooting and hunting, and helping citizens to better understand the Industry’s constitutionally protected products and services. Our manufacturer members make the firearms used by law-abiding Maryland sportsmen and women, the U.S. military, and law enforcement agencies throughout the state. With this mission in mind, we strongly oppose HB 425 and the Maryland General Assembly’s attempt to redefine what a firearm is to include unfinished frames or receivers.

“Privately Made Firearms” (PMFs) are and have been legal and not regulated under federal law. Accordingly, there is no legal requirement that they have any markings including a serial number. They are predominantly a hobbyist option and require more time, tooling, and dedication to craftsmanship than most criminals are willing to invest. According to the 2016 Bureau of Justice Statistics survey “Source and Use of Firearms Involved in Crimes: Survey of Prison Inmates,” we know that criminals very seldom acquire firearms from legal means. It is of great concern to the Industry that official counts of PMFs recovered from crime scenes are in fact commercially made firearms with obliterated serial numbers. NSSF has been unsuccessful in its attempt to acquire a report quoted by the Department of Justice (DOJ) and in the media about the purported 23,000 unserialized firearms recovered by law enforcement from 2016 to 2020.¹ Nevertheless, that some number of PMFs may have been recovered at crime scenes does not change the fact that Congress has not chosen to regulate these items.

HB 425 puts unnecessary and cumbersome obligations on the part of licensed retailers by requiring that they serialize the private property (PMFs) of their customers. However, there is no

¹ <https://www.justice.gov/opa/pr/justice-department-proposes-new-regulation-update-firearm-definitions>

statutory basis in the federal Gun Control Act to require licensees, other than manufacturers and importers, to mark firearms.² Moreover, consumers are very likely to refuse to bring PMFs to licensed retailers (gunsmiths) because they may not wish to have their PMF marked. This would mean PMFs in need of repair, so they are safe to use, will not be fixed. Because they are not manufacturers or importers, licensed retailers (gunsmiths) lack the necessary specialized tools, technology, and knowledge to mark PMFs in accordance with HB 425.

HB 425 aims to address the perceived “ghost gun” issue described above by capturing more firearms in the traceable pool of firearms. This would likely not address violent crime or unauthorized access to firearms in a meaningful way, however, because it is well known that criminals will obliterate serial numbers, a crime on its own, to thwart law enforcement efforts of tracing. Additionally, a PMF is not subject to the same critical level of quality control and testing as commercially manufactured firearms. If private citizens were to mail their PMF to a firearm manufacturer for custom cerakote work, then the marking by the manufacturer would be required according to HB 425. The manufacturer does not know if the firearm they are receiving was built to acceptable specification and with the correct collaborative parts. Their job is simply to strip it down and paint it. If, for instance, a catastrophic failure was to occur with that now aesthetically customized PMF, then the manufacturer could be open to liability. The potential for financial and reputational risk induced by marking a PMF by a manufacturer that interacted with the firearm due to happenstance is unacceptably high. This is a risk that is inevitable with HB 425.

The Industry is heavily regulated and has a long history of collaborating effectively with state and federal partners. It is an industry that is widely known to follow the rule of law and sell a product which enjoys explicit Constitutional protection. The Industry provides firearms and ammunition to the military, law enforcement, and law-abiding citizens. Additionally, it ensures access to shooting ranges for safety training. Both protections highlight the Industry’s criticality of contributing to our Nation’s security, public safety, and economic well-being. If HB 425 is implemented, it will create significant regulatory challenges, increase costs, impede production, and drive increased risk and undue burden for manufacturers, distributors, and federal firearm retailers conducting day to day business.

It is for these reasons, the National Shooting Sports Foundation opposes House Bill 425 and we would respectfully urge you to oppose it as well.

Sincerely,



Trevor W. Santos

² 18 USC § 923(i).